

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19410 of 2026

Arising Out of PS. Case No.-278 Year-2025 Thana- BIHRA District- Saharsa

-
1. Sonu Ram @ Sonu Son of Mohan Ram R/o Ward no. 13, Village - Phulkaha, Post - Phulkaha, P.S. - Gazipur Karshari, Dist. - Sheohar, Bihar.
 2. Nitish Kumar Son of Mahesh Kumar R/o Murli Ward No. - 5, Mahishi, P.S. - Saharsa, Dist. - Saharsa, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-03-2026 Heard Mr. Sunil Kumar Singh, learned counsel for the petitioners and Mr. Sanjay Kumar, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since 30.11.2025 in connection with Bihra P.S. Case No. 278 of 2025, F.I.R. dated 29.11.2025 for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2022.

3. Recovery is of 546 liters of cough syrup along with 875 bottles of medical glucose water.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. It appears from the FIR as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question and these petitioners are neither the owner nor the driver of the said vehicle in question and they have been made accused merely on the basis of suspicion. Except the aforesaid, no other material has come during investigation which suggest the involvement of the petitioners in the present occurrence. He further submits that there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioners are in custody since 30.11.2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Section 103/105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned Exclusive Special (Excise) Judge-II, Saharsa in connection with Bihra P.S. Case No. 278 of 2025, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

